

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARISE FOR SOCIAL JUSTICE;)
 ¿OISTE?; NEW ENGLAND STATE-AREA)
 CONFERENCE OF THE NAACP;)
 REV. TALBERT W. SWAN, II;)
 NORMAN W. OLIVER; DARLENE)
 ANDERSON; GUMERSINDO GOMEZ;)
 FRANK BUNTIN; RAFAEL RODRIQUEZ;)
 and DIANA NURSE) Civil Action No. 05-30080-MAP
)
 Plaintiffs,)
)
 v.)
)
 CITY OF SPRINGFIELD and SPRINGFIELD)
 ELECTION COMMISSION)
)
 Defendants.)
)

MOTION TO MODIFY TRIAL PROCEDURES

Now come the Defendants, City of Springfield and Springfield Election Commission and respectfully move this honorable Court to modify the trial procedures to allow the Defendants to tailor the evidence presented in Defendants' response to the affidavits filed by the Plaintiffs through the supplementation of evidence set forth in the affidavits filed by the Defendants with live testimony and the addition of witnesses to rebut the allegations set forth in Plaintiffs' affidavits.

As grounds therefore Defendants state that the parties agreed to the submission of simultaneous affidavits in order to expedite the trial of this matter, by shortening the time required for direct testimony. At the time of establishing this procedure all parties and the Court recognized that this novel approach would require adjustment. Defendants state that concerns

over efficiency cannot override Defendants' right to a full and fair trial which must include the right to respond to the allegations contained in plaintiffs' case through rebuttal testimony and witnesses.

Respectfully submitted.

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CERTIFICATE OF CONSULTATION

I hereby certify that on February 27, 2007 I received a response from the Plaintiffs Counsel Paul Nemser to my suggestion for supplementation and that Plaintiff's counsel, Atty. Nemser, responded that Plaintiffs would oppose any motion to supplement through live testimony, and would only assent to supplementation through affidavits submitted prior to the close of the Plaintiffs' case.

Edward M. Pikula, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document has been served on all counsel of record pursuant to electronic case filing the 5th day of March 2007.

Edward M. Pikula, Esq.